

Public Chapter 453

HOUSE BILL NO. 740

By Representative West

Substituted for: Senate Bill No. 1542

By Senator Springer

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29; Title 63 and Title 68, Chapter 24, Part 6, relative to alcohol and drug abuse counselors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 24, is amended by deleting Part 6 in its entirety and by substituting instead Sections 2 through 7 of this act as new Part 6.

SECTION 2. (a) There is created the Board of Alcohol and Drug Abuse Counselors.

(b) The board shall consist of five (5) members who are residents of this State, and who shall be appointed by the Governor.

(1) Initial appointments to the board shall be as follows: two (2) nationally certified master alcohol and drug abuse counselors licensed by the Department of Health shall serve for terms of one (1) year and four (4) years respectively; one (1) person, who is not directly or indirectly engaged in the alcohol and drug abuse profession shall serve for a term of two (2) years; and two (2) nationally certified alcohol and drug abuse counselors licensed by the Department of Health shall serve for terms of four (4) years and five (5) years respectively.

(2) The Tennessee Chapter of the National Association of Alcohol and Drug Abuse Counselors may submit a list of at least three (3) nominees for each appointment or vacancy to be filled and the Governor may make his appointment from such list.

(3) All board members, except the member who is not directly or indirectly engaged in the alcohol and drug abuse counseling profession, shall be duly licensed or eligible to be licensed by the board. Subsequent appointees to the board shall possess the professional qualifications required by their predecessors as required by this act and shall be appointed to five-year terms.

(4) Members shall serve until their successors are appointed and qualified. Any vacancy occurring on the board shall be filled by the Governor for the balance of the unexpired term. A board member who has served a five-year term is not eligible for reappointment during the one (1) year period following the appointment of his successor.

(5) In making appointments to the board, the Governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years old or older and that at least one (1) person serving on the board is a member of a racial minority.

(6) In making appointments to the board, the Governor shall ensure that at least two (2) of the members are females.

(c) For each day engaged in business of the board, members shall receive fifty dollars (\$50.00) as compensation and shall also receive actual expenses to be paid in accordance with the comprehensive travel regulations promulgated by the Commissioner of Finance and Administration and approved by the Attorney General and Reporter.

(d) The members of the board shall annually elect a chairman and secretary.

(e) The board shall meet as frequently as necessary to implement the provisions of this act. Three (3) or more members of the board constitute a quorum for the purpose of transacting board business.

(f) For administrative purposes, the board shall be attached to the division of health related boards as defined in § 63-1-101, herein referred to as the "division".

SECTION 3. The board may license the minimal competence of alcohol and drug abuse counselors based on satisfactory completion of its licensure process, including passing examinations, maintaining competence and professional standards and paying reasonable fees.

The board shall promulgate rules to effectuate the purposes of this act to include, but not be limited to:

- (1) Application and licensure fees;
- (2) Examination and licensure procedures;
- (3) Standards of practice and qualifications for licensure;
- (4) Disciplinary procedures; and
- (5) Supervision of applicants.

SECTION 4. (a) A license shall be renewable biennially on the birth date of the licensee.

(b) The board, by rule, shall establish reasonable and necessary fees so that the fees, in the aggregate produce sufficient revenue to cover the cost of administering this act.

(c) The board shall promulgate rules and regulations in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, to implement the provisions of this act.

SECTION 5. Nothing in this act shall be construed as permitting any person licensed as an alcohol or drug abuse counselor to engage in the practice of medicine, or to engage in the practice of a licensed psychologist, licensed psychological examiner, certified master social worker, licensed independent practitioner of social work, licensed professional counselor, licensed marriage and family therapist, or psychiatric nurse.

Persons licensed as alcohol and drug abuse counselors shall not be authorized by the provisions of this act to dispense or prescribe drugs. Nothing in this act shall be construed to constrict or limit the practice of medicine, the certification and licensing of social workers, the licensing of nurses, the licensing of psychologists, or the licensing of professional counselors and marriage and family therapists. In addition, nothing in this act shall be construed to prevent qualified members of such professions from advertising that such persons diagnose and treat alcohol and drug disorders within the scope of their respective professions or from actually diagnosing and treating alcohol and drug disorders within the scope of their respective professions.

SECTION 6. (a) Alcohol and other drugs of abuse counseling includes the following:

(1) The evaluation and treatment of problems and misconceptions of persons who abuse mood-altering chemicals within the context of individual, group, familial and significant other systems; and

(2) The evaluation and treatment of those persons who have had their lives significantly impacted by another person's use of alcohol or other drugs of abuse. Alcohol and other drugs of abuse counseling includes the provision of the primary functions which may be performed by licensed alcohol and drug abuse counselors.

(b) Nothing in this act shall be construed as permitting any person licensed as an alcohol and drug abuse counselor to perform psychological testing intended to measure and/or diagnose mental illness. Consistent with each counselor's formal education and training, licensed alcohol and drug abuse counselors may administer and use appropriate assessment instruments which identify elements of perceptual inability to recognize empirical facts, problems of appropriately displaying emotions, and inappropriate responses to the environment of individuals, couples and families as part of the alcohol and other drugs of abuse therapy process or in the development of a treatment plan in the context of chemical abuse systems.

SECTION 7. The primary functions which may be performed by licensed alcohol and drug abuse counselors are as follows:

- (1) Client intake;
- (2) Client screening;
- (3) Client orientation;
- (4) Client assessment and placement;
- (5) Treatment planning;
- (6) Counseling;
- (7) Case management;
- (8) Crisis intervention;
- (9) Client education;
- (10) Referrals;

(11) Reports and record keeping; and

(12) Consultation.

SECTION 8. Tennessee Code Annotated, Section 4-29-220(a), is amended by adding a new item thereto, as follows:

( ) Board of Alcohol and Drug Abuse Counselors;

SECTION 9. Nothing in this act shall be construed as affecting the operation of Alcoholics Anonymous or any similar organization involving self-help activities by and on behalf of individuals with alcohol or other substance abuse problems.

SECTION 10. For the purpose of appointing members and for promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 1998, the public welfare requiring it.